

EXHIBIT A

Declaration of Theodore Lazarus Submitted Under Seal

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES, *et al.*,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

No: 1:23-cv-00108-LMB-JFA

**DECLARATION OF THEODORE LAZARUS IN SUPPORT OF
GOOGLE LLC'S MEMORANDUM OF LAW IN OPPOSITION
TO PLAINTIFFS' MOTION FOR IN CAMERA INSPECTION AND
TO COMPEL PRODUCTION OF DOCUMENTS WITHHELD AS PRIVILEGED**

I, Theodore Lazarus, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am Vice President, Legal, at Defendant Google LLC ("Google"). I have held this title since November 1, 2021, and have been employed by Google since March 12, 2008. I am an attorney licensed to practice law in New York and the District of Columbia.

2. I submit this declaration in support of Google's Memorandum of Law in Opposition to Plaintiffs' Motion for *in Camera* Inspection and to Compel Production of Documents Withheld as Privileged in *United States v. Google LLC*, No. 1:23-cv-00108-LMB-JFA (E.D. Va.) (the "Motion to Compel").

3. The contents of this declaration are true and correct to the best of my knowledge, information, and belief, and are based on my personal knowledge and review of relevant records. If called upon as a witness in this action, I could and would testify competently thereto.

4. I have personal knowledge of the five internal projects at issue in the Motion to Compel: Project SingleClick, Project Stonehenge, Project Sunday, Project Monday, and Project Banksy.

5. I have personal knowledge of Project SingleClick because I provided legal supervision and guidance on the project. Project SingleClick was an analysis of potential remedies undertaken because of and in response to active government investigations into Google's ad tech business and litigation that might follow from these investigations. The investigations included those by the U.K. Information Commissioner's Office (initiated February 2019); the Irish Data Protection Commission (initiated May 2019); the French Competition Authority (initiated July 2019); the U.K. Competition and Markets Authority (initiated July 2019); the State of Texas, leading a coalition of state attorneys general (initiated September 2019); the Antitrust Division of the United States Department of Justice (initiated October 2019); and the European Commission (initiated November 2019). But for these regulatory investigations, the analyses and work done for Project SingleClick would not have occurred in substantially similar form. Outside counsel—including John Harkrider, Daniel Bitton, Russell Steinthal, Leslie Overton, and David Pearl of Axinn, Veltrop & Harkrider, and Jordan Ellison, Isabel Taylor, and Tina Zhuo of European outside counsel Slaughter & May—were also involved in providing legal guidance concerning the project.

6. I have personal knowledge of Project Stonehenge because I provided legal supervision and guidance on the project. Project Stonehenge was an analysis of potential remedies undertaken because of and in response to the active government investigations listed in Paragraph 5 above, and litigation that might follow from these investigations. But for these regulatory investigations, the analysis and work done for Project Stonehenge would not have

occurred in substantially similar form. Outside counsel—including John Harkrider, Daniel Bitton, Russell Steinthal, Leslie Overton, Andrew Freeborn, David Pearl, and Koren Wong-Ervin of Axinn, Veltrop & Harkrider, and Jordan Ellison, Tina Zhuo, and Jessica Staples of European outside counsel Slaughter & May—were also involved in providing legal guidance concerning the project.

7. I have personal knowledge of Project Sunday because I initiated the project and provided legal supervision and guidance on the project. Project Sunday was an analysis of potential remedies undertaken because of and in response to the active government investigations listed in Paragraph 5 above, the investigation initiated by the Australian Competition and Consumer Commission in February 2020, and litigation that might follow from these investigations. But for these regulatory investigations, the analyses and work done for Project Sunday would not have occurred in substantially similar form. Outside counsel—including Ethan Klingsberg of Freshfields Bruckhaus Deringer and John Harkrider and Daniel Bitton of Axinn, Veltrop & Harkrider—were also involved in providing legal guidance concerning the project.

8. I have personal knowledge of Project Monday because I provided legal supervision and guidance on the project. Project Monday was an analysis of a particular potential remedy option. The project was undertaken because of and in response to the active government investigations listed in Paragraph 7 above, and litigation that might follow from these investigations. But for these regulatory investigations, the analysis and work done for Project Monday would not have occurred in substantially similar form. Outside counsel—including John Harkrider, Andrew Freeborn, and Daniel Bitton of Axinn, Veltrop &

Harkrider, and Jordan Ellison and Jessica Staples of European outside counsel Slaughter & May—were also involved in providing legal guidance concerning the project.

9. I have personal knowledge of Project Banksy because I provided legal supervision and guidance on the project. Project Banksy was an analysis of a potential remedy for the purpose of preparing a settlement proposal in response to the French Competition Authority's investigation of Google's ad tech business. But for the French Competition Authority's investigation, the analyses and work done for Project Banksy would not have occurred in substantially similar form. Outside counsel—including John Harkrider, Daniel Bitton, Russell Steinthal, Leslie Overton, and Koren Wong-Ervin of Axinn, Veltrop & Harkrider; Jordan Ellison, Tina Zhuo, and Juliette Sailleau of European outside counsel Slaughter & May; and Olivier Freget of French outside counsel Fréget Glaser & Associés—were also involved in providing legal guidance concerning Project Banksy.

10. I have reviewed the following documents identified in Plaintiffs' Appendix to the Motion: Appendix Document 1 (GOOG-DOJ-12766025), Appendix Document 2 (GOOG-DOJ-15231660), Appendix Document 5 (GOOG-DOJ-AT-01106088), Appendix Document 6 (GOOG-DOJ-AT-01106174), Appendix Document 8 (GOOG-DOJ-AT-01498627), Appendix Document 9 (GOOG-DOJ-AT-01514569), Appendix Document 10 (GOOG-DOJ-AT-01692081), Appendix Document 11 (GOOG-DOJ-AT-01887780), Appendix Document 12 (GOOG-DOJ-AT-01895607), Appendix Document 13 (GOOG-DOJ-AT-01914586), Appendix Document 14 (GOOG-DOJ-AT-02099758), Appendix Document 15 (GOOG-DOJ-AT-00660900), Appendix Document 16 (GOOG-DOJ-AT-00205841), Appendix Document 17 (GOOG-DOJ-AT-00030150), Appendix

Document 18 (GOOG-DOJ-AT-00660895), Appendix Document 19 (GOOG-DOJ-AT-01007207), and Appendix Document 20 (GOOG-DOJ-AT-01687296).

11. The redacted portions of Appendix Document 1 (GOOG-DOJ-12766025) and Appendix Document 17 (GOOG-DOJ-AT-00030150) reveal the substance of Projects SingleClick and Stonehenge. This is based on my review of these documents and my personal knowledge of the scope and purpose of Projects SingleClick and Stonehenge.

12. Appendix Document 2 (GOOG-DOJ-15231660) was created as part of Project Stonehenge, and the redacted portions of Appendix Document 15 (GOOG-DOJ-AT-00660900), Appendix Document 16 (GOOG-DOJ-AT-00205841), Appendix Document 18 (GOOG-DOJ-AT-00660895), and Appendix Document 19 (GOOG-DOJ-AT-01007207) reveal the substance of Project Stonehenge. This is based on my review of these documents and my personal knowledge of the scope and purpose of Project Stonehenge.

13. The redacted portions of Appendix Document 13 (GOOG-DOJ-AT-01914586) reveal the substance of Projects Stonehenge and Banksy. This is based on my review of this document and my personal knowledge of the scope and purpose of Projects Stonehenge and Banksy.

14. Appendix Document 5 (GOOG-DOJ-AT-01106088), Appendix Document 6 (GOOG-DOJ-AT-01106174), Appendix Document 8 (GOOG-DOJ-AT-01498627), Appendix Document 10 (GOOG-DOJ-AT-01692081), Appendix Document 11 (GOOG-DOJ-AT-01887780), Appendix Document 12 (GOOG-DOJ-AT-01895607), and Appendix Document 14 (GOOG-DOJ-AT-02099758) were created as part of Project Sunday. This is based on my review of these documents and my personal knowledge of the scope and purpose of Project Sunday.

15. Appendix Document 9 (GOOG-DOJ-AT-01514569) was created as part of Project Banksy, and Appendix Document 20 (GOOG-DOJ-AT-01687296) reveals the substance of Project Banksy. This is based on my review of these documents and my personal knowledge of the scope and purpose of Project Banksy.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 2nd day of June, 2023, in Brooklyn, New York.



Theodore Lazarus